



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,109	12/21/2000	Karl J. Wood	PHB 34,436	1480

24737 7590 11/29/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/747,109
Filing Date: December 21, 2000
Appellant(s): WOOD, KARL J.

MAILED

NOV 29 2006

Technology Center 2600

Terry W. Kramer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 20 September 2006 appealing from the
Office action mailed 13 June 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 20020007493 A1	Butler et al.	01-2002
US006829779B1	Perlman	12-2004
US006493878B1	Kassatly	12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 9, 15, 17, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Perlman (US006829779B1).

Regarding claim 1, Butler et al. (Butler) discloses a "broadcast enhancement system" wherein a broadcast source broadcasts video content or video stream or "television broadcast signal" and ancillary data or "enhancement signal" to multiple receivers (See Fig. 1). The system is used with a television and/or a PC that includes receivers (See Fig. 2, 58 and 138; paragraph 0015, 0026, and 0038). The PC serves the function of the "mixer", where it has a receiver (See Fig. 2, 138) for receiving a transmission of the ancillary data or "enhancement signal" (See paragraphs 0017 and 0041). The ancillary data includes hyperlink overlays or "one of the two signals" that are prepared for chroma keying (See paragraphs 0019-0023). The PC/mixer is configured to intercept the received television broadcast signal before it is passed to the television, apply chroma keying to superimpose the hyperlink overlays on the intercepted television broadcast signal and to pass the superimposed signal to the television (See Figs. 2-5; paragraphs 0036 and 0038). However, Butler does not disclose a set-top-box (STB), where the PC/mixer receives the television broadcast signal from the STB.

Perlman discloses a system for setting up an entertainment system. Perlman discloses that a STB, which inherently has a receiver, receives the television

programming first (See Fig. 5, 64) and passes the signal to an Internet terminal or PC (See Fig. 5, 20). Inherently no adaptation is required to the STB or television in order to perform the functions described above. Furthermore, the STB and PC or Internet terminal are arranged separately from each other (See Fig. 5, 20 and 64). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Butler to include a STB and have the PC receive its signals from the STB, as taught by Perlman, in order to enhance security and piracy protection of the cable services by using the STB to decode/descramble the protected signals prior to delivering the signals to the PC (See Perlman Fig. 5; column 3 lines 27-50).

Regarding claim 2, Butler discloses that the ancillary data is used to provide additional information, for example, statistics during a sports broadcast or other detailed information. The ancillary data is sent as HTML files along with control data, wherein the processor inherently formats the data of the HTML file to be displayed before color keying is applied to overlay the ancillary data with the video stream (See Butler Fig. 2 and paragraphs 0009, 0054, 0055).

Regarding claim 3, the ancillary data contains HTML files or "world wide web page" (See Butler paragraphs 0020 and 0022).

Regarding claim 4, Butler in view of Perlman does not explicitly disclose that the ancillary data is multiplexed with the television broadcast signal for transmission and for the PC to have a demultiplexer to extract the ancillary data.

Butler suggests many methods for combining the ancillary data with the television broadcast signal (See Butler paragraphs 0015 and 0016). Official Notice is taken that it is well known to multiplex signals together and to use a demultiplexer to separate different signals at a receiver. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the video broadcast system disclosed by Butler in view of Perlman to multiplex the ancillary data with the television broadcast signal and for the PC to include a demultiplexer in order to make efficient use of the available bandwidth thus allowing more data to be sent through the transmission medium (Support for the Official Notice is found in US006493878B1 Kassatly Fig. 1; col. 20 lines 15-53).

Regarding claim 5, the ancillary data, which inherently contains text and graphics, is also sent and received through the vertical blanking interval (VBI) or "teletext" (See Butler paragraph 0016),

Regarding claim 6, the ancillary data is also sent and received through the Internet (See Butler paragraph 0017).

Regarding claim 9, Butler et al. (Butler) discloses a "method of enhancing a television broadcast" (See Figs. 3-4; paragraph 0009). The system uses a broadcast source that broadcasts video content or video stream or "television broadcast signal" and ancillary data or "enhancement signal" to multiple receivers (See Fig. 1). The system prepares multiple hyperlink overlays or "plurality of broadcast signals", where the overlays have a background areas set to a predetermined key color or "being prepared for chroma keying" (See paragraphs 0019-0023). The hyperlink overlays are

Art Unit: 2623

transmitted to a corresponding receiver (See Fig. 1; paragraph 0019) where then the hyperlink overlays are processed according to the background area key color that provides instructions to what background areas allow overlay to occur or "instructions in the broadcast signal to prepare the signal for chroma keying" (See paragraphs 0023, 0025, and 0036). The PC, which serves the function of the "mixing unit", applies chroma keying to the received hyperlink overlays to create a superimposed signal for display as an enhanced television broadcast (See paragraphs 0036 and 0038). However, Butler does not disclose a set-top-box (STB), where the PC/mixer receives the television broadcast signal from the STB.

Perlman discloses a system for setting up an entertainment system. Perlman discloses that a STB, which inherently has a receiver, receives the television programming first (See Fig. 5, 64) and passes the signal to an Internet terminal or PC (See Fig. 5, 20). Inherently no adaptation is required to the STB or television in order to perform the functions described above. Furthermore, the STB and PC or Internet terminal are arranged separately from each other (See Fig. 5, 20 and 64). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Butler to include a STB and have the PC receive its signals from the STB, as taught by Perlman, in order to enhance security and piracy protection of the cable services by using the STB to decode/descramble the protected signals prior to delivering the signals to the PC (See Perlman Fig. 5; column 3 lines 27-50).

Claim 15 contains the limitations of claim 1 (wherein the PC serves the function of the mixer) and is analyzed as previously discussed with respect to that claim.

Regarding claim 17, Butler discloses a PC that serves the function of the “mixer” (See Fig. 2). The PC has a “means for receiving a broadcast television signal” (See Fig. 2, receiver 58) and a “means for receiving an enhancement signal (See Fig. 2, receiver 58 or 138; paragraphs 0017 and 0041). The PC/mixer is configured to apply chroma keying to superimpose the hyperlink overlays on the intercepted television broadcast signal and to pass the superimposed signal to the television (See Figs. 2-5; paragraphs 0019-0023, 0036, and 0038). However, Butler does not disclose a set-top-box (STB), where the PC/mixer receives the television broadcast signal from the STB.

Perlman discloses a system for setting up an entertainment system. Perlman discloses that a STB, which inherently has a receiver, receives the television programming first (See Fig. 5, 64) and passes the signal to an Internet terminal or PC (See Fig. 5, 20). Inherently no adaptation is required to the STB or television in order to perform the functions described above. Furthermore, the STB and PC or Internet terminal are arranged separately from each other (See Fig. 5, 20 and 64). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Butler to include a STB and have the PC receive its signals from the STB, as taught by Perlman, in order to enhance security and piracy protection of the cable services by using the STB to decode/descramble the protected signals prior to delivering the signals to the PC (See Perlman Fig. 5; column 3 lines 27-50).

Regarding claim 20, the ancillary data is also sent and received through the Internet (See paragraph 0017).

Regarding claim 21, Butler also discloses that the ancillary data can also be sent via satellite transmission or "wireless transmission" (See Fig. 1; paragraph 0015).

Regarding claim 22, "one of the plurality of broadcast signals" is also received through the Internet (See Butler paragraph 0017).

Regarding claim 23, "one of the plurality of broadcast signals" is also received through the "wireless transmission" (See Butler paragraph 0018).

Regarding claim 24, "one of the two signals" is also sent and received through the Internet (See Butler paragraph 0017).

Regarding claim 25, "one of the two signals" is also received through the "wireless transmission" (See Butler paragraph 0018).

(10) Response to Argument

Appellant argues with respect to claims 1-6, 9, 15, 17, and 20-25 that Butler does not disclose a set-top box that has a receiver and a mixer having a receiver, the two receivers being arranged separately from each other. However, reading the claims in the broadest sense, Butler in view of Perlman does meet the limitations of the claims. Butler discloses a PC that serves the function of the mixer (See Fig. 2), where it has a receiver (See Fig. 2, 138) for receiving a transmission of the enhancement signal (See paragraph 0041). Furthermore, Perlman discloses a set-top box (STB) that has a receiver (See Fig. 5, cable box 64) and the STB is arranged separately from the other

components, such as the Internet terminal or PC (See Fig. 5, cable box 64 and internet terminal 20).

Appellant further argues that Perlman does not disclose that the Internet terminal or PC is configured to intercept the received television signal from the STB. However, reading the claims in the broadest sense, Perlman does meet this limitation of the claims. Perlman discloses that the Internet terminal intercepts the television signal from the STB via lines 70 and 78. The Internet terminal then outputs the intercepted video signal to the TV via line 28 (See Fig. 5). Appellant argues that both the VCR and Internet terminal outputs are fed in parallel into the TV, however the Internet terminal still intercepts the received television signal from the STB via lines 70 and 78 (See Fig. 5).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Perlman suggests the use of a cable box within the system. As shown in Fig. 5, each component (e.g. TV, VCR, and Internet terminal) has the capabilities of receiving video signals on its own, much like the system disclosed by Butler (See Perlman Fig. 5, port 66, 72, 26, and 36). However, by adding a cable box to the system, the system has more security

Art Unit: 2623

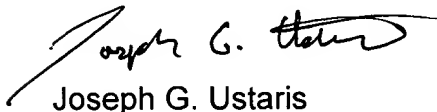
and prevents piracy of cable services as disclosed by Perlman (See column 3 lines 27-50).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




Joseph G. Ustaris

AU 2623


Conferees:

Chris Kelley

John Miller



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600